

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

November 3, 2011

**5:30 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on October 27, 2011 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Rabideau  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending November 2, 2011 in the amount of \$ 246,456.40 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Calnon  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of October 27 – November 2 , 2011
- Report from the Building Inspector's Office from February 15 – November 1, 2011

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Case  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS:**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council in the amount of \$ 397,840.72 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Rabideau; Seconded by Councilor Jackson  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL: None**

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**7. OTHER ITEMS:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves that Project HOME 2009-14 (Eelman - 63 South Peru St) be awarded to Scott Witt General Contractor for \$21,578.00 and will be funded by the 2009 HOME program.

By Councilor Tiffer; Seconded by Councilor Carpenter  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**B. ADOPTION OF LOCAL LAW P-3 AMENDING CITY CODE CHAPTER 270-26 CONCERNING SIGNS**

**1. SEQR FINDINGS ON LOCAL LAW P-3**

The Common Council finds the adoption of Local Law P-3 will not have any significant adverse environmental impacts.

By Councilor Calnon; Seconded by Councilor Jackson  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

**2. INTRODUCED: LOCAL LAW P-3 AMENDING CITY CODE CHAPTER 270-26 CONCERNING SIGNS**

By Councilor Carpenter; Seconded by Councilor Calnon

### **3. MOTION TO AMEND LOCAL LAW P-3 AS SET FORTH IN THE DRAFT DATED 10-31-2011**

**RESOLVED:** Local Law P-3 of 2011 amending Chapter § 270-26 of the City Code of the City of Plattsburgh: “Concerning Signs,” the entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

By Councilor Carpenter; Seconded by Councilor Calnon  
Discussion:

**Councilor Calnon** said John I just want to be sure. The reason for amendment is because what we are attempting to pass tonight is something slightly different then what we proposed prior to public hearing.

**Corporation Counsel John Clute** said yes.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

### **4. MOTION TO ADOPT LOCAL LAW P-3 AMENDING CITY CODE CHAPTER 270-26 CONCERNING SIGNS.**

By Councilor Carpenter; Seconded by Councilor Case  
Discussion:

**Mayor Kasprzak** said I would just like to take a moment to thank, there is several people in the audience I see you all I won't embarrass you by mentioning names, thank you for working on this you have spent a lot of time on it John as well. You all have more patience then I do. It was an issue that came up. It was a bit controversial early on some people were not pleased because things were delayed to some degree. But we persevered, you brought a good product so to speak and a good local law and the Council supports it. So I just wanted to thank you folks for your efforts and John you too.

**Corporation Counsel John Clute** said last night Jesse Feiler, who is the chairman of the committee, and I went to the County Planning Board meeting and as you know we had to refer this to them because it is an amendment to the Zoning Law. At the conclusion of the presentation they had voted unanimously to recommend that we adopt in the form of which you just voted on it. We'll get written confirmation of that recommendation later we don't have it right now. But it was a vote that was taken when we were present so we've fulfilled that procedural requirement.

**Mayor Kasprzak** said I am glad you were both there. So thank you both very much and everybody else that was involved.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**C. RESOLVED:** Establish Local Law P-4 of 2011 amending City Code Sections § 233-11, § 233-12 of the City of Plattsburgh: “concerning removal, trimming and planting of trees, hedges and other plantings.” The entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

By Councilor Jackson; Seconded by Councilor Tiffer

Discussion:

**Councilor Calnon** said I find that this is one of those occasions where I can see a very good reason to support the law and some very good reasons not to. So the conflict is kind of difficult for me. I am going to support the law because I think it does come down to really the points that both Andrew made this evening at the Public Hearing as well as just the general greater good. I mean the sidewalks are the public’s property and any infringement on them is unfortunately an infringement on their right of access. So I’m going to have to support it, but, not lightly. I think one of the issues that’s out there is we have some of our worst encroachments are some of our oldest hedges. Looking at one this morning that is older than I am and it is unfortunate but it does enter the right of way considerably. A few years ago on one side of this particular hedge an additional foot or so of sidewalk was built to accommodate it and even with that the sidewalks not wide enough for normal traffic. So what I’m concerned about is some very beautiful properties, some things that are really part of the character of the city will be sacrificed by the passing of this law. So, I would ask that the Zoning Board of Appeals be fairly compassionate in granting some variances to this in terms of replanting. If there is a hedge that has grown so much that it has to be trimmed back beyond its useful very thin layer of leaves so that essentially it has to be removed, that they consider some alternatives to replace them in a more accommodating manner. For example, on a corner lot, because of the 30 foot by 30 foot triangle that you have to set off, no hedge could be replanted. But, there may be some possibilities for the Zoning Board to consider a lower hedge in that range maybe in excess of the 30 inches, maybe not. But, I think that while I will support the law I really think that we need to also be very mindful of the impact this will have on many of our property owners and on the character of some of the neighborhoods.

**Councilor Jackson** said I was the one who brought this before the Council and I’d appreciate if everyone would support it. A lot of the reason why was it goes back to when I talked to the North County Center for Independence people back last October when they had their open forum. There is very few things on the local level that we’re able to do. We can make sure that every time we build sidewalks and roads that there’s ADA accessibility but there’s very little locally that we can impact. This is one item that they brought up to me that I said yes that is definitely something that can be handled on the local level. It started out with a discussion of the snow removal and then it went to this. I will say that since this has been introduced I have heard from numerous people. It’s funny I’ve heard from elderly, I’ve heard from people with school age children, I’ve heard from joggers. No one

has said to me that it's a bad idea other than the lady that just left here. I think it's the right thing to do. Sidewalks are a form of infrastructure they are a means of transportation within the city and they should be clear. Just like blocking half a road with a connex box or something people would be very upset with it. Jimmy I totally agree with you. I'm hoping that there can be some rationality with the Zoning Board of Appeals can work with variances. I agree with you on that as well.

**Councilor Carpenter** said I understand the necessity of this. I do walk around the city in fact Chris and I had talked about it. It just saddens me a little that we have to enact a law to get it taken care of. I wish it was something that people were cognoscente of and just did.

**Councilor Jackson** said I can't agree with you more, it is sad.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves the sale of four properties auctioned on October 28th, 2011, for the collection of delinquent property taxes, provided the auction results are acceptable to the Common Council for the disposal of the properties and the redemption of the property tax liens related to each parcel.

By Councilor Case; Seconded by Councilor Jackson  
Discussion:

**Councilor Carpenter** said I just had a weird question probably, but, when we sell these properties at auction the price that they were bought for becomes the market value. Do we change assessments? How do we figure the assessments on that? Do they become whatever they sold at auction or is it still what we believe the value is the property is actually worth.

**Assessor Derek Rosenbaum** said no it's technically not market value because it's not a valid sale. Selling from a government agency invalidates it so assessed value is still based on typical sales.

**Councilor Carpenter** said that doesn't change it stays the way it's been.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**E. THE MAYOR HANDS DOWN THE PERMANENT APPOINTMENT OF SERGEANT TO BRAD KIROY EFFECTIVE NOVEMBER 4, 2011 PENDING THE SUCCESSFUL COMPLETION OF A 12 WEEK PROBATIONARY PERIOD.**

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**F. Motion to waive rule 4 for initial consideration** “Request from Jonathan Ruff Environmental Manager that the Mayor be authorized to execute an agreement with Barton & Loguidice, PC for “Akey Landfill Post closure Monitoring” in the amount of \$45,300 and will be funded by Capital Project H5110.20.

By Councilor Jackson; Seconded by Councilor Carpenter  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted

**RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor be authorized to execute an agreement with Barton & Loguidice, PC for “Akey Landfill Post closure Monitoring” in the amount of \$45,300 and will be funded by Capital Project H5110.20.

By Councilor Jackson; Seconded by Councilor Case  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted

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**8. TRAVEL REQUEST: None**

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**9. RESOLUTIONS FOR INITIAL CONSIDERATION:**

1. Request from Jonathan Ruff Environmental Manager that the Mayor be authorized to execute a contract amendment with CDM Services for “WPCP Headworks Project” in the amount of \$148,624.
2. Request from the City Chamberlain to revise the 2009 capital project H8130.54 by increasing the funding from the Sewer Capital Reserve to \$2,000,000 in order to provide for the three construction contracts (General, Mechanical, and Electrical), the engineering construction services, and the contingency for the project.
3. Request from Jon Ruff Environmental Manager that Contracts 2011-22 G, H and E be awarded to W.M. Schultz Construction - \$882,880, Brockway Mechanicals - \$150,791 and Mountain Lake Electrical \$260,900 and will be funded by Capital Project H8130.54.
4. Request from Jonathan Ruff Environmental Manager that the Mayor be authorized to execute an agreement with Barton & Loguidice, PC for “Akey Landfill Post closure Monitoring” in the amount of \$45,300 and will be funded by Capital Project H5110.20. **(Move to agenda**

**under “Other Items” Letter F)**

5. Request from Bill Treacy Manager MLD for a Change Order to PMLD 2010-7-1 “115 kV Relay Testing” in the total amount of \$21,400.
6. Request from Kevin Farrington City Engineer for a Change Order to Contract # 2011-04 “Boynton Avenue Improvements” in the total amount of \$184,873.05 and that the Mayor be authorized to sign the Change Order documents.
7. Request from Community Development Office for a Change Order to Project Main St BIP 2008 #14 (Woo – 62 Margaret St) in the total amount of \$2,450.
8. Request from Kevin Farrington City Engineer for a Change Order to Contract # 2011-13 “Webb Island Foot Bridge Deck Replacement” in the total amount of \$2,495.89 and that the Mayor be authorized to sign the Change Order documents.
9. Request by the City Chamberlain to adjust the 2011 General Fund Budget by an increase of \$132,720 equally in estimated revenues and appropriations for unbudgeted asset seizure fund expenditures to be covered from a transfer from the asset seizure fund reserve.
10. Request from Community Development Office to award B & E Development LLC, Project HOME 2009-13 “REBID” (Lacey – 11 Lozier Place) in the amount of \$24,650 and will be funded by the 2009 HOME program.
11. Request from Bill Treacy, Manager MLD to award GoTToGo Electric Inc, PMLD Bid No. 2011-9-1 “Electric Meters Revenue Type” in the amount of \$7,580.
12. Request from Bill Treacy, Manager MLD to write-off unpaid final bills from September 1, 2010 to September 30, 2010 in the total amount of \$1,966.08. The percentage of write-offs for this period is .20%.
13. Request from Police Chief Desmond Racicot to adjust the 2011 Police Department General Fund Budget by an increase of \$5,528.53 for an increase salary due to the promotion of Corporal Brad Kiroy to Sergeant and \$2,610.52 for an increase in salary to promote a police officer to the vacant position of Corporal.
14. Request from Police Chief Desmond Racicot to adjust the 2012 Asset Forfeiture Budget with an increase of \$417,000 (an additional \$30,000 in Motor Vehicles, \$20,000 in Training and Education and the remaining \$367,000 in Technical and Special Equipment and supplies for undercover operations expenses).
15. Request for Common Council to authorize the Mayor to sign agreement with New England Interstate Water Pollution Control Commission (NEIWPCC) to accept \$6,900 through the Lake Champlain Basin Program for the purpose of planning and installing interpretive signage along the Saranac River Trail.

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**10. NEW BUSINESS: None**

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**11. CLOSING PUBLIC COMMENTS: None**

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**MEETING ADJOURNED:** 5:50 pm